

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

FRANCOIS ROSS,
Plaintiff,
v.
EXPRESS GLOBAL,
Defendant.

Case No. [16-cv-06857-LB](#)

**ORDER DISMISSING THE CASE
WITHOUT PREJUDICE**

Francois Ross filed an initial complaint for employment discrimination under Title VII of the Civil Rights Act of 1964.¹ The court granted Mr. Ross's *in forma pauperis* application and, under 28 U.S.C. § 1915, *sua sponte* dismissed the complaint for failure to state a claim and granted leave to amend by January 9, 2017.² The court warned Mr. Ross that if he did not amend his complaint, his case would be dismissed without prejudice for failure to prosecute.³

Mr. Ross then filed an amended complaint, consisting of two pages of handwritten allegations.⁴ As before, the court reviewed Mr. Ross's amended complaint *sua sponte* under

¹ Compl. – ECF No. 1.

² Order – ECF No. 8.

³ *Id.*

⁴ Amended Compl. – ECF No. 9.

1 § 1915 and dismissed it for failure to state a claim.⁵ The court granted Mr. Ross leave to file a
2 second amended complaint by January 30, 2017, and again warned him that his case would be
3 dismissed without prejudice if he did not file a new complaint.⁶ Mr. Ross has not filed a second
4 amended complaint.

5 The court therefore dismisses without prejudice Mr. Ross's case for failure to prosecute. The
6 court directs the Clerk of the Court to close the file.

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8 **IT IS SO ORDERED.**

9 Dated: February 24, 2017

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11 LAUREL BEELER
12 United States Magistrate Judge
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27 ⁵ Order – ECF No. 10.

28 ⁶ *Id.*